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SEP 19 2005

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7590

06/15/2005

Ranjana Kadle
Hodgson Russ LLP
Suite 2000
One M&T Plaza
Buffalo, NY 14203-2391



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Alicia Falkenbach

(Depositor's name)

Alicia Falkenbach

(Signature)

September 15, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAME/INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,036	05/15/2001	Shinichi Kanno	31090.0015	2475

TITLE OF INVENTION: METHOD FOR INDUCING ANGIOGENESIS BY ELECTRICAL STIMULATION OF MUSCLES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/15/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS		09/20/2005 CNGUYEN3 00000014 09858036	
MULLEN, KRISTEN DROESCH	3762	607-050000	01 FC:2501 02 FC:1504 03 FC:8001	700.00 OP 300.00 OP 20.00 OP	
1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,			1 Hodgson Russ LLP	
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.			2 _____	
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.				3 _____	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Bioheart, Inc.

Sunrise, FL

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 10

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 08-2442 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date September 15, 2005

Typed or printed name John D. Lopinski

Registration No. 50,846

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit : 3762
Examiner : Kristen Drosch Mullen

Applicant	:	Shinichi Kanno
Serial No.	:	09/858,036
Filing Date	:	May 15, 2001
Title	:	METHOD FOR INDUCING ANGIOGENESIS BY ELECTRICAL STIMULATION OF MUSCLES

**ASSERTION OF
ENTITLEMENT TO
SMALL ENTITY
STATUS**

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alicia Falkenbach
Name of person signing the certification

Alicia Falkenbach
Signature

September 15, 2005
Date

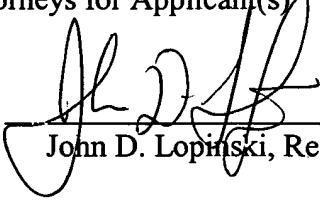
Sir:

The above-identified patent application remains entitled to Small Entity Status.

Respectfully submitted,

HODGSON RUSS LLP
Attorneys for Applicant(s)

By:


John D. Lopinski, Reg. No. 50,846

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Date: September 15, 2005



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8b Data Sheet

CONFIRMATION NO. 2475

SERIAL NUMBER 09/858,036	FILING DATE 05/15/2001 RULE	CLASS 435	GROUP ART UNIT 1645	ATTORNEY DOCKET NO. 31090.0015
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APPLICANTS

Shinichi Kanno, Pittsburgh, PA;
Yasufumi Sato, Sendai, JAPAN;

Verified KNO

** CONTINUING DATA *****

THIS APPLN CLAIMS BENEFIT OF 60/204,376 05/16/2000
Verified CEO

** FOREIGN APPLICATIONS *****

None (es)

IF REQUIRED, FOREIGN FILING LICENSE GRANTED.. SMALL ENTITY ..
** 07/17/2001

Foreign Priority claimed	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
US USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after <i>Alexander</i> <i>Initials</i>	PA	8	15	3

ADDRESS

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TITLE

Method for inducing angiogenesis by electrical stimulation of muscles

FILING FEE RECEIVED 420
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- 1.18 Fees (Issue)
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